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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,263	06/29/2004	Le-Jen Wang	CHEP0033USA	4262
27765	7590	12/02/2005	EXAMINER	
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION			GHATT, DAVE A	
P.O. BOX 506			ART UNIT	PAPER NUMBER
MERRIFIELD, VA 22116			2854	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/710,263	<b>Applicant(s)</b> WANG ET AL.	
	<b>Examiner</b> Dave A. Ghatt	<b>Art Unit</b> 2854	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 9-14, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Fetherolf et al. (US 6,511,241). With respect to claims 1 and 10, as shown in Figures 1 and 2, Fetherolf teaches a printer 1 having a housing (shown generally at 13) having an access opening and a cover 12 for blocking the access opening of the printer. Figure 3 shows a positioning apparatus 50 coupled to the cover 12 for controlling movement of the cover. As shown in Figure 4 the positioning apparatus controls the cover to not block the access opening if the printer is printing.

With respect to claims 2 and 11, as shown in Figures 3 and 4, Fetherolf teaches the cover comprising a plate (not numbered) for blocking the access opening, and a hinge (located at 58) coupled to the plate for allowing the plate to pivot away from the access opening.

With respect to claims 3 and 12, as shown in Figure 4, the positioning apparatus 50 drives the plate to swing via the hinge 58 for controlling movement of the cover.

With respect to claims 4, 5, 13, and 14, as shown in Figure 2, the access opening of Fetherolf is used for delivering a sheet of print paper, the access opening being a paper-ejecting exit positioned in the housing.

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With respect to claims 9 and 18, as shown in Figure 3, the positioning guard is positioned inside the housing of the printer.

3. Claims 1-3, 9-12, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Fox (US 5,525,031). With respect to claims 1 and 10, as shown in Figures 2 and 3, Fox teaches a printer having a housing having an access opening and a cover 52 for blocking the access opening of the printer. Figure 3 shows a positioning apparatus 50 coupled to the cover 52 for controlling movement of the cover. As shown in Figure 3 the positioning apparatus controls the cover to not block the access opening if the printer is printing.

With respect to claims 2 and 11, as shown in Figures 2 and 3, Fox teaches the cover 52 comprising a plate (not numbered) for blocking the access opening, and a hinge (bottom left corner) coupled to the plate for allowing the plate to pivot away from the access opening.

With respect to claims 3 and 12, as shown in Figure 3, the positioning apparatus 50 drives the plate to swing via the hinge for controlling movement of the cover.

With respect to claims 9 and 18, as shown in Figures 2 and 3, the positioning guard is positioned inside the housing of the printer.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 6, 7, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox (US 5,525,031) in view of Pearce (US 3,009,458). With respect to claims 6, 7, 15, and 16, as outlined in the above rejection to claims 1-3 and 10-12, Fox teaches the recited structure. However Fox does not teach a motor and Scotch yoke arrangement for opening and closing the cover. Pearce teaches an apparatus having an opening and cover similar to that of Fox. As shown in Figure 2, Pearce teaches an electric motor 54 for supplying rotational motion, a Scotch yoke (shown generally at 62, 74) coupled to the motor for converting the rotational motion into a linear motion for moving the cover 24. As shown in Figure 2, Pearce teaches the Scotch yoke comprising an arm 70 for moving the cover, and a disc 44 coupled to the motor for transforming the rotational motion into linear motion. To one of ordinary skill in the art, it would have been obvious to include the motor and Scotch yoke arrangement of Pearce, in the apparatus of Fox, for the advantage of providing automatic opening and closing of the cover, as taught by Pearce in column 1 lines 14-15.

6. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tainer (US 6,249,299) in view of Fetherolf et al. (US 6,511,241). As shown in Figure 1, Tainer teaches a dye diffusion thermal transfer printer. However, Tainer does not disclose the overall structure of the printer. As shown in Figures 1 and 2, Fetherolf teaches a printer 1 having a housing (shown generally at 13) having an access opening and a cover 12 for blocking the access opening of the printer. Figure 3 shows a positioning apparatus 50 coupled to the cover 12 for controlling movement of the cover. As shown in Figure 4 the positioning apparatus controls the cover to not block the access opening if the printer is printing. To one of ordinary skill in the art, it would

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have been obvious to have an overall printer structure as taught by Fetherolf, with dye diffusion thermal transfer printer of Tainer, for the advantage of feeding the media through multiple paths.


***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A. Ghatt whose telephone number is (571) 272-2165. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAG

  
Daniel J. Collila  
Primary Examiner  
Art Unit 2854